

1 DOWNEY BRAND LLP  
 2 JAMIE P. DREHER (Bar No. 209380)  
 3 jdreher@downeybrand.com  
 4 621 Capitol Mall, 18<sup>th</sup> Floor  
 5 Sacramento, California 95814  
 6 Telephone: 916.444.1000  
 7 Facsimile: 916.444.2100

8 Attorneys for A. Teichert & Son, Inc. d/b/a  
 9 Teichert Aggregates ("Teichert")

10 UNITED STATES BANKRUPTCY COURT  
 11  
 12 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

13 In re  
 14 PG&E Corporation  
 15 and  
 16 PACIFIC GAS AND ELECTRIC  
 17 COMPANY.

18 Debtors.

Case No. 19-30088-DM

Chapter 11

**TEICHERT AGGREGATES'  
 OBJECTION TO PROPOSED CURE  
 AMOUNT**

Date: May 27, 2020  
 Time: 10:00 a.m.  
 Place: Courtroom 17  
 450 Golden Gate Avenue  
 San Francisco, CA 94102  
 Judge: Hon. Hon. Dennis Montali

19 ☐ Affects PG&E Corporation  
 20 ☐ Affects Pacific Gas and Electric Company  
 21 ☒ Affects Both Debtors,

22 \*All papers shall be filed in the Lead Case  
 23 No. 19-30088-DM

24 A. Teichert & Son, Inc. d/b/a Teichert Aggregates ("Teichert Aggregates"), by and through  
 25 its counsel, hereby files its Objection to Proposed Cure Amount ("Cure Objection") pursuant to  
 26 the Notice of Filing Plan Supplement in Connection with Debtor's and Shareholder Proponents'  
 27 Joint Chapter 11 Plan of Reorganization Dated March 16, 2020 (Docket No. 7037) ("Plan  
 28 Supplement").

Teichert Aggregates is a contract counterparty of the Debtor, pursuant to that certain  
 agreement described as Master Services Agreement ("MSA") # C2481, which itself incorporates

1 and encompasses associated Contract Work Authorizations (“CWA”), Purchase Orders (“PO”),  
2 and Blanket Purchase Orders (“BPO”) (“Contract”).

3 The Debtor is in default under the MSA as a result of unpaid and due and owing amounts  
4 totaling \$724,615.94, plus interest through June 30, 2020 (from the petition date) of an additional  
5 \$26,156.24, for a total amount due of \$750,772.18, which is required to be paid in order for the  
6 Contract to be assumed (“Cure Amount”).

7 The Contract is not listed on Exhibit B to the Plan Supplement as one to be assumed.  
8 However, both the Plan Supplement and the Plan itself provide that if an executory contract is not  
9 listed on the Plan Supplement (nor listed as a contract to be rejected), then such unlisted executory  
10 contract will be deemed assumed with a cure amount of \$0 (“Assumption and Cure Default  
11 Provisions”). See, Plan Supplement at ¶¶ 5-8; Plan at Section 8.1(a) (contracts not subject to a  
12 motion or listed as to be rejected are “deemed assumed”)

13 Because the Contract is not listed on neither the Schedule of Executory Contracts and  
14 Unexpired Leases to be Assumed Pursuant to the Plan and Proposed Cure Amounts (Exhibit B to  
15 the Plan Supplement), nor the Schedule of Executory Contracts and Unexpired Leases to be  
16 Rejected Pursuant to the Plan (Exhibit A to the Plan Supplement), pursuant to the proposed Plan,  
17 absent objection, the Contract would be deemed assumed with no cure payment. Accordingly,  
18 Teichert Aggregates objection to the assumption of the Contract without payment of the Cure  
19 Amount, which is the amount due under the Contract to cure existing defaults.

20 This Cure Objection is supported by and incorporates the concurrently-filed Declaration of  
21 Sean Collins in Support of Teichert Aggregates’ Objection to Proposed Cure Amount (“Collins  
22 Declaration”). The Collins Declaration includes a detailed list of every invoice and identifying  
23 detail that makes up the Cure Amount. The Debtor is in possession of the particular invoices,  
24 which can be provided on further request.

25 Accordingly, Teichert Aggregates respectfully request the court condition assumption of  
26 the Contract on payment in full of the Cure Amount.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: May 15, 2020

DOWNEY BRAND LLP

By: /s/ Jamie P. Dreher  
JAMIE P. DREHER  
Attorneys for A. Teichert & Son, Inc. d/b/a  
Teichert Aggregates